

November 6, 2009

Randy Dettmer  
663 Hill Street  
San Luis Obispo, CA 93405

Kerry Koths & Susan Doyle  
1600 S. Main Plaza Suite 225  
Walnut Creek, CA 94596

**NOTICE OF FINAL COUNTY ACTION**

HEARING DATE: November 2, 2009

**SUBJECT: KERRY KOTHS AND SUSAN DOYLE**  
**County File Number: SUB2008-00040 / TR 2998**  
**Document No. 2009-027**

LOCATED WITHIN COASTAL ZONE: YES

The above-referenced application was approved by the Subdivision Review Board on the hearing date shown above, based on the Findings in Exhibit A and Conditions in Exhibit B, which are attached for your records. The conditions of approval must be carried out as set forth therein. This Notice of Final Action is being mailed to you pursuant to Section 23.02.033(d) of the Land Use Ordinance.

An approved or conditionally approved tentative parcel map/development plan/coastal development permit shall expire twenty-four months after its approval or conditional approval. The expiration of the approved or conditionally approved tentative parcel map/development plan/coastal development permit shall terminate all proceedings, and no parcel map of all or any portion of the real property included within such tentative parcel map shall be filed without first processing a new tentative map/development plan/coastal development permit. Upon application of the divider filed with the Department of Planning and Building prior to the expiration of the approved or conditionally approved tentative parcel map/development plan/coastal development permit, the Subdivision Review Board may extend or conditionally extend the time at which such map/development plan/coastal development permit expires for a period or periods not exceeding a total of five years pursuant to the provisions of Sections 66412.3, 66473 and 66474 of the Subdivision Map Act and Section 21.48.080 of the Real Property Division Ordinance. (Sec 21.06.010)

ATTACHMENT 2

This action is appealable to the Board of Supervisors within 14 days of this action. If there are Coastal grounds for the appeal there will be no fee. If an appeal is filed with non coastal issues there is a fee of \$616.00. This action may also be appealable to the California Coastal Commission pursuant to regulations contained in Coastal Act Section 30603 and the County Coastal Zone Land Use Ordinance 23.01.043. These regulations contain specific time limits to appeal, criteria, and procedures that must be followed to appeal this action. The regulations provide the California Coastal Commission 10 working days following the expiration of the County appeal period to appeal the decision. This means that no construction permits can be issued until both the County appeal period and the additional Coastal Commission appeal period have expired without an appeal being filed.

Exhaustion of appeals at the county level is required prior to appealing the matter to the California Coastal Commission. This second appeal must be made directly to the California Coastal Commission Office. Contact the Commission's Santa Cruz Office at (831) 427-4863 for further information on their appeal procedures.

If you have questions regarding your project, please contact your **Project Manager, Ryan Hostetter** at (805) 781-5600. If you have any questions regarding these procedures, please contact me at (805) 781-5718.

Sincerely,

NICOLE RETANA, SECRETARY  
SUBDIVISION REVIEW BOARD

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(Planning Department Use Only)

Date NOFA copy mailed to Coastal Commission: after November 16, 2009

Enclosed:              X   Staff Report to Coastal Commission Only  
                           X   Findings and Conditions

**EXHIBIT A**  
**FINDINGS DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT**

*Environmental Determination*

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on October 1, 2009 for this project. Mitigation measures are proposed to address air quality, noise, public services/utilities, transportation, and recreation, and are included as conditions of approval.

*Development Plan*

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed 2 residential units does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the small single family style residential units are similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Avila Beach Drive and San Miguel Streets, local roads constructed to a level able to allow the additional 2 residential units.

*Coastal Access*

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

ATTACHMENT 2  
EXHIBIT B  
CONDITIONS FOR DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT  
SUB2008-00040

**Approved Development**

1. This approval authorizes:
  - a. Request by Kerry Koths and Susan Doyle for a vesting tentative parcel map, coastal development permit, and development plan to subdivide and develop an existing 8,434 square foot parcel into four air space condominium units for the purpose of sale. Also included is a right of way abandonment which will increase the usable site area to 9,679 square feet. The units range in size from approximately 1,269 square feet to 1,585 square feet each. The project includes the demolition of the existing single family residence on site, construction of an approximately 5,265 square foot subterranean parking garage with storage areas for each residential unit, and inclusion of internal courtyards and open areas for condominium residents to utilize. The project is designed to be constructed in three floors with parking on the bottom level and have a maximum height of 25' as measured from average natural grade.
  - b. Maximum height is 25' from average natural grade. All roof areas between 20 and 25' shall have a minimum roof pitch of 2.5 in 12.
  - c. Required setbacks for the development are as follows: Front setback measured from Laurel Street is 10 feet, the corner side from San Luis Street is 17 feet, the side setback is 5 feet and the rear setback is 5.5 feet as proposed.

**Conditions required to be completed at the time of application for construction permits**

*Site Development*

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan. These include the natural stone veneer and other approved materials shown on the renderings.
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.
4. **At the time of application for construction permits**, the applicant shall provide roofing materials which comply with the requirements of the Avila Beach Specific Plan and are non-reflective materials.

*Fire Safety*

5. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

*Services*

6. **At the time of application for construction permits**, the applicant shall provide a letter from Avila Beach CSD stating they are willing and able to service the property.

**Conditions to be completed prior to issuance of a construction permit**

*Noise*

7. The project, being within the 60-65 decibel boundary, as identified in the County's Noise Element, will be subject to additional building construction measures to ensure acceptable interior noise levels can be achieved.

Prior to issuance of construction permits, the applicant will demonstrate on the construction documents that the homes are designed to minimize interior noise exposure including, but not limited to the following features:

- a. Air conditioning or a mechanical ventilation system
- b. Solid core exterior doors with perimeter weather stripping and threshold seals
- c. Exterior finish stucco or brick veneer (or wood siding with plywood under layer)
- d. Roof or attic vents baffled.
- e. All fresh air inlets or exhaust vents located on the San Luis Street side of the structure incorporate sound attenuation and noise baffling.
- f. Exterior walls consist of stucco or brick veneer, or wood siding with a ½" minimum thickness fiberboard (i.e. soundboard) underlayer is used.

*Fees*

8. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

*Best Management Practices*

9. **Prior to issuance of a construction permit**, the construction documents shall show that the project complies with Best Management Practices (BMP's) to address storm water runoff. The combined set of BMP's shall be designed to treat and infiltrate storm water runoff up to and including the 85<sup>th</sup> percentile storm event.

*Air Quality*

10. *Prior to issuance of construction permits fugitive PM10 Mitigation Measures* (All required PM10 measures shall be shown on applicable grading or construction plans. In addition, the developer shall designate personnel to insure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and telephone number of the designated monitor(s) shall be provided to the APCD **prior to construction/ grading permit issuance**)
- a. Reduce the amount of the disturbed area where possible;
  - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
  - c. All dirt stock-pile areas should be sprayed daily as needed;
  - d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
  - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;

## ATTACHMENT 2

- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
  - g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
  - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
  - i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
  - j. Install Wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site, and
  - k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
11. Proposed demolition activities can result in potentially negative air quality impacts, especially where material exists containing asbestos material. **Prior to issuance of any construction permit** to remove or demolish any buildings or utility pipes on the subject property, the applicant shall provide evidence they have contacted APCD to determine: a) what regulatory jurisdictions apply to the proposed demolition, such as the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – Asbestos NESHAP); b) District notification requirements; c) the need for an asbestos survey conducted by Certified Asbestos Inspector; and d) applicable removal and disposal requirements of the asbestos-containing material.
12. “Naturally-occurring asbestos” has been identified by the State Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to construction permit issuance**, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an “Asbestos Dust Mitigation Plan”, which must be approved by APCD before grading begins; 2) an “Asbestos Health and Safety Program”, as determined necessary by APCD. (For any questions regarding these requirements, contact Karen Brooks (APCD) at (805) 781-5912 or go to <http://www.slocleanair.org/business/asbestos.asp>). **Prior to final inspection or occupancy**, whichever occurs first, when naturally-occurring asbestos is encountered, the applicant shall provide verification from APCD that the above measures have been incorporated into the project.
13. Prior to issuance of construction permits, the applicant shall provide evidence they have contacted APCD on any proposed portable equipment requiring APCD or CARB registration, such as: 50-hp portable generators, IC engines, unconfined abrasive blasting operations, concrete batch plants, rock and pavement crushing, tub grinders, trammel screens, etc. Should any of these types of equipment be used during construction activities California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit may be required.

### **Conditions to be completed during project construction**

*Air Quality*

14. *Fugitive PM<sub>10</sub> Mitigation Measures* (All required PM<sub>10</sub> measures shall be shown on applicable grading or construction plans. In addition, the developer shall designate personnel to insure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and telephone number of the designated monitor(s) shall be provided to the APCD **prior to construction/grading permit issuance**)
  - a. Reduce the amount of the disturbed area where possible;
  - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
  - c. All dirt stock-pile areas should be sprayed daily as needed;
  - d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
  - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;
  - f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
  - g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
  - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
  - i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
  
15. As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805/781-5912).

*Building Height*

16. **The maximum height of the project is 25' feet from average natural grade.**
  - a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).

- b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.
- c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

**Conditions to be completed prior to occupancy or final building inspection /establishment of the use**

- 17. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before final building inspection. If bonded for, landscaping shall be installed within 60 days after final building. All landscaping shall be maintained in a viable condition in perpetuity.
- 18. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
- 19. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

**On-going conditions of approval (valid for the life of the project)**

- 20. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
- 21. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.
- 22. Only the following types of wood burning devices shall be allowed (based on District Rule 504): a) EPA-Certified Phase II wood burning devices; b) catalytic wood burning devices emitting less than or equal to 4.1 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; c) non catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; d) pellet-fueled woodheaters; or e) dedicated gas-fired fireplaces. **Prior to construction permit issuance**, such devices shall be shown on all applicable plans, and installed as approved by the county.



ATTACHMENT 2  
**EXHIBIT C**  
**FINDINGS TENTATIVE PARCEL MAP CO 08-155**

*Environmental Determination*

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 6, 2009 for this project. Mitigation measures are proposed to address cultural resources, geology and soils, public services/utilities, noise, and transportation and are included as conditions of approval.

*Tentative Map*

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Multi Family land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of the proposed planned development which will include 4 residential units and associated parking.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support the proposed multi-family planned development. The site is suitable for a high density project, and the project as proposed complies with the density requirements under the Coastal Zone Land Use Ordinance.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the project site does not contain any substantial sensitive habitat areas or any special status species. The project site is currently entirely disturbed due to existing development on the site.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

*Coastal Access*

- J. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas

ATTACHMENT 2  
**EXHIBIT D**  
**CONDITIONS FOR VESTING TENTATIVE PARCEL MAP CO 08-155**

*Approved Project*

1. Request by Kerry Koths and Susan Doyle for a subdivision development of an existing 8,434 square foot parcel into four air space condominium units for the purpose of sale.

*Access and Improvements*

2. Road and/or streets to be constructed to the following standards, unless design adjustments are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:
  - a. San Luis Street shall be widened to complete the project side of an A-2 urban section fronting the property in accordance with County Standards.
  - b. Laurel Street shall be widened to complete the project side of an A-2 urban section fronting the property in accordance with County Standards.
3. The applicant shall offer for dedication to the public by certificate on the map or by separate document:
  - a. A 20-foot radius property line return at the intersection of San Luis Street and Laurel Street
4. A private easement shall be reserved on the map for access to Lots 1 through 4.
5. The project is located in the Avila Road Fee Area. All Road Fees shall be paid to the County prior to issuance of building permits.
6. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.
7. All driveway approaches shall be constructed in accordance with County Public Improvement Standards. All driveway approaches constructed on County roads or project related roads to be accepted for County maintenance shall require an encroachment permit.

*Improvement Plans*

8. Improvement plans shall be prepared in accordance with County Public Improvement Standards by a Registered Civil Engineer and Submitted to the Department of Public Works and the County Health Department for approval. The plan is to include, as applicable:
  - a. Street plan and profile.
  - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
  - c. Water plan (County Environmental Health).
  - d. Sewer Plan (County Environmental Health).
  - e. Grading and erosion control plan for subdivision related improvement locations.
  - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
  - g. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building and Department of Public Works.
  - h. Trail plan, to be approved jointly with the Park Division (if required by Parks).

## ATTACHMENT 2

9. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
10. The registered civil engineer, upon completion of the improvements, shall certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
11. If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or their engineer, prior to approval of the plans by the Department of Public Works shall:
  - a. Submit a copy of all such permits to the Department of Public Works OR
  - b. Document that the regulatory agencies have determined that said permit is not required.

### *Utilities*

12. Electric and telephone lines shall be installed underground.
13. Cable T.V. conduits shall be installed in the street.
14. Gas lines shall be installed and service laterals stubbed to each lot.
15. All utility easements as required by the utility company shall be shown on the final Parcel or Tract Map.

### *Drainage*

16. Submit complete drainage calculations to the Department of Public Works for review and approval.
17. All project related drainage shall be subject to the recommendations of the San Luis Creek Watershed Drainage Design Manual.
18. If calculations so indicate, drainage must be retained or detained in a shallow drainage basin on the property [21.03.010(e)(2)]. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards. The basin(s) are to be maintained in perpetuity.
19. If a drainage basin is required, the drainage basin along with rights of ingress and egress be reserved as a drainage easement in favor of the owners and assigns.
20. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II Storm water program and the County of San Luis Obispo Stormwater Pollution Prevention and Discharge Control Ordinance, Title 8, Section 8.68.010 et. Sec.

*Vector Control and Solid Waste*

21. **Prior to Recordation** a determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet Coastal Zone Land Use Ordinance requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

*Fire Protection*

22. The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.
23. Designate a fire lane within all the driveway areas. This lane to be a minimum width of twenty (20) feet.

*Parks and Recreation (Quimby) Fees*

24. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of dwelling units proposed in the case of a condominium, stock cooperative, or community apartment project.

*Additional Map Sheet*

25. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
- a. The additional map sheet shall contain the final conditions of approval for the Development Plan/Coastal Development Permit as they are shown in the Notice of Final Action.
  - b. If a drainage basin is required, that the owners (or homeowners association) of all lots are responsible for on-going maintenance of drainage basin/adjacent landscaping in a viable condition on a continuing basis into perpetuity. The basin area shall be indicated as a building restriction.
  - c. All driveway approaches shall be constructed in accordance with County Public Improvement Standards. All driveway approaches constructed on County roads or project related roads to be accepted for the County maintenance shall require an encroachment permit.
  - d. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.

*Covenants, Conditions and Restrictions*

26. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall establish a home owners association and provide at a minimum the following provisions:

## ATTACHMENT 2

- a. All trash containers on site shall be stored out of the public view except when brought out for trash pick up, and shall not be located in public view on any day except for the pick up day.
- b. Maintenance of landscaping.
- c. Maintenance of common areas.
- d. Maintenance of all driveways.
- e. If a drainage basin is required, on-going maintenance of drainage basin / adjacent landscaping in a viable condition on a continuing basis into perpetuity
- f. Maintenance of all parking lots within the subdivision in perpetuity.

### *Miscellaneous*

- 27. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- 28. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.
- 29. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary **prior to filing the map.**

## ATTACHMENT 2

### STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS USING COMMUNITY WATER AND SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.
12. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.

## ATTACHMENT 2

13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.